

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NAUTILUS, INC.,

Plaintiff (s),

v.

ICON HEALTH & FITNESS, INC.,

Defendant (s).

CASE NO.
3:16-cv-05393-RBL

ORDER SETTING
TRIAL DATES AND
RELATED DATES

TRIAL DATE

APRIL 23, 2018

Preliminary infringement contentions and disclosure of asserted claims	4/20/2017
Disclosure of preliminary invalidity contentions	5/10/2017
Reports from expert witnesses regarding <u>Markman</u> issues due	6/6/2017
Rebuttal expert reports regarding <u>Markman</u> issues due	7/10/2017
Joinder of parties due by	6/22/2017
Amended pleadings due by	7/3/2017
Preliminary Claim Chart	7/20/2017
Joint claim chart and Prehearing Statement	8/18/2017
Opening claim construction briefs due (24 pages per side)	9/1/2017
Responsive claim construction briefs due (12 pages per side)	9/15/2017
<u>Markman</u> hearing at 09:00 AM on	10/13/2017
Reports from expert witnesses under FRCP 26(a)(2) due	10/26/2017

1	Rebuttal expert reports due	11/24/2017
2	Discovery completed by	12/26/2017
3	All dispositive motions must be filed by and noted on the	
4	motion calendar no later than the fourth Friday	
	thereafter (see CR7(d))	1/19/2018
5	Settlement conference per CR 39.1(c)(2) held no later than	2/16/2018
6	Mediation per CR 39.1(c)(3) held no later than	3/15/2018
7	All motions in limine must be filed by and noted on the	
8	motion calendar for the third Friday thereafter	
	pursuant to CR7(d)	3/26/2018
9	Agreed pretrial order due	4/6/2018
10	Trial briefs, proposed voir dire questions and	
	jury instructions	4/9/2018
11	Pretrial conference to be scheduled by the Court.	
12	Length of Jury Trial: 5 DAYS	

13 These dates are set at the direction of the Court after reviewing the joint status
14 report and discovery plan submitted by the parties. All other dates are specified in the
15 Local Rules. If any of the dates identified in this order or the Local Rules fall on a
16 weekend or federal holiday, the act or event shall be performed on the next business day.
17 These are firm dates that can be changed only by order of the court, not by agreement of
18 counsel or the parties. The court will alter these dates only upon good cause shown:
19 failure to complete discovery within the time allowed is not recognized as good cause.

20 If the Markman hearing or trial dates assigned to this matter create an
21 irreconcilable conflict, counsel must notify Jean Boring, Deputy Clerk, at
22 (253) 882-3823 within 10 days of the date of this order and must set forth the exact
23 nature of the conflict. A failure to do so will be deemed a waiver.

24 PLEASE NOTE: The court will not rule on dispositive motions that raise
25 issues of claim construction prior to the hearing, unless special circumstances warrant
26 and leave of court is obtained in advance of filing.

1 As required by Local Rules W.D. Wash CR 37(a), all discovery matters are to
2 be resolved by agreement if possible. Counsel are further directed to cooperate in
3 preparing the Joint Claim Chart and final pretrial order in the format required by
4 CR 16.1, except as ordered below.

5 The original and one copy of any exhibits to be used at the Markman hearing
6 and/or trial are to be delivered to chambers five days before the trial date. Each exhibit
7 shall be clearly marked. Exhibit tags are available at the Clerk's Office. The Court
8 hereby alters the CR 16.1 procedure for numbering exhibits: Plaintiff's exhibits shall be
9 numbered consecutively beginning with 500. Duplicate documents shall not be listed
10 twice: once a party has identified an exhibit in the pretrial order, any party may use
11 it. Each set of exhibits shall be submitted in a three-ring binder with
12 appropriately numbered tabs.

13 Counsel must be prepared to begin trial on the date scheduled, but it should be
14 understood that the trial may have to await the completion of other cases.

15 Should this case settle, counsel shall notify Jean Boring, Deputy Clerk, at
16 (253) 882-3823, as soon as possible. Pursuant to GR 3(b), an attorney who fails to
17 give the deputy clerk prompt notice of settlement may be subject to such discipline
18 as the court deems appropriate.

19 A copy of this Order shall be provided to all counsel of record.
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21 DATED: January 11, 2017
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23 s/ Hon. Ronald B. Leighton

24 United States District Judge
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